Councillor Call for Action

Guidance for Members

- What is a Councillor Call for Action
- What to do with an initial issue
- Assessing when something is a genuine community concern
- Agreeing to champion
- Knowing when to refer to scrutiny
Introduction

From 2009, new roles will be expected of scrutiny and scrutineer Councillors. This is due to two new pieces of legislation:

- Local Government Public Involvement in Health Act (LGPIH 2007)- this provides members with the opportunity to formally ask for discussions at scrutiny committees on issues where local problems has arisen and where other methods of resolution have been exhausted.
- Police and Justice Act 2006 (PJA 2006)

In summary, the thrust of the new legislation gives new powers to Ward Councillors both individually and collectively through Scrutiny Panels.

Councillor Call for Action will commence on the 1st April 2009.

This guidance aims to clarify what a Councillor Call for Action is, and how it will affect you as a Ward Councillor and further provides you with a named contact within the scrutiny team for advice and guidance.

What is a Councillor Call for Action?

The LGPIH defines Councillor Call for Action (CCfA), which allows Ward Councillors to raise issues of local concerns, thus formalising the ability of Ward Councillors to formally raise issues of importance to their local community, through the Enfield’s scrutiny function.

The CCfA is described as “a key tool to empower Ward Councillors, making local government matters more responsive to the localities they serve”. Local government matters under section 21A (LGPIH 2007), a CCfA needs to relate to a “local government matter”. However, to give full effect to CCfA the interpretation of “local government matter” needs to be broader. This includes issues relating to the council’s partners, in line with the area focus of comprehensive area Assessment (CAA), and the fact that an authority’s duties increasingly impact on other organisations, and involve partners within and outside the Local Strategic Partnership (LSP).

The essential principle behind CCfA is that all cases should be resolved at the earliest possible stage of the process. Referring the case to Scrutiny should be the final option, once every method of resolution has been exhausted. Scrutiny will effectively be the local ‘ombudsman’, with Ward Councillors unable to appeal to the executive arm of the council against final decisions made by Overview and Scrutiny Committee and the Scrutiny Panels.
What is not a CCfA?
A checklist has been devised to help you decide whether the issue is a CCfA, or other, such as a complaint, member enquiry or service request. To help you decide this, definitions are as follows:

**Complaint** – Enfield Council describes a complaint as

“A complaint may be about delay, lack of response, discourtesy, failure to consult or about the standard of service you have received - in fact anything that leaves you dissatisfied with the Council's conduct. You may want to complain if you think:

- we have not treated you fairly or politely
- we have not done something we should have done
- we have done something badly”

**Member Enquiry** - In practice, Member Enquiries are enquiries by an elected Member of the Council or by Members of Parliament for information from a council department. This includes requests for general policy and performance information, ward casework enquiries and fault reporting.

**Service Request** - A request for a service that the Council currently offers, but an individual is not receiving, made by residents. This is not a complaint.

**Excluded items**

The following issues will be excluded for being dealt with as a CCfA:

- Any matter deemed vexatious (there is no rigid test or definition regarding a vexatious request. The key question is whether the request is likely to cause distress, disruption or irritation without any proper or justified cause) or discriminatory (Public bodies are required to comply with the Equality Act covering anti-discrimination).
- Individual complaints, (that is a compliant made by an individual resident which relates to an individual service provided or a report written about them). Scrutiny can and should play a role where it is felt a series of complaints demonstrates a ‘systematic failure’ in a particular service area.
- Planning or licensing applications or appeals and
- Areas where a Councillor has an alternative avenue to resolve an issue through for example complaints or a service request

**NB:** The statutory instrument states that the systematic failure, even in an area where individual complaints on an issue are possible, will mean that an issue should not be excluded.
**What does this mean for me?**

These new initiatives will mean that as a ward councillor, you will be given more power and a central role in calling to account the work of council, partner services and other local service providers.

**What happens when I receive an issue?**

The following flow process chart shows the basic steps that a CCfA will follow.

1. **Local residents have concerns about persistent or serious problems in their area**
2. **Councillor takes up concern**
3. **Issue resolved**
4. **Councillor unable to resolve issue**
5. **Councillor asks Scrutiny to investigate as a CCfA**
6. **Scrutiny considers, rejects or refers to relevant Panel, who then make recommendations**

If you would like further advice on Councillor Calls for Action, contact Sue Payne or Mike Ahuja in the Corporate Scrutiny Services Team.

📞 020 8379 6151
✉️ scrutiny@enfield.gov.uk
INITIAL ISSUE SIGNPOSTING CHECKLIST

- **Is the issue a personal issue for an individual member of the community?**
  Yes – refer to the department, service provider or complaints procedure as appropriate.

- **Do the concerns relate to individual ‘quasi-judicial’ decisions (e.g. planning, licensing) or to council and non-domestic rates?**
  Yes – refer to the relevant department, this is not a Councillor Call for Action.

- **Is the concern to do with the quality of public service provided?**
  Yes – refer to the relevant department, or refer to the complaints procedure if relevant.

- **Is this being dealt with as a current member enquiry?**
  Yes – this is not a Councillor Call for Action.

- **Is this issue vexatious or discriminatory?**
  Yes – this is not a Councillor Call for Action.

- **Has this already been through the CCfA process?**
  Yes – if a person is attempting to resubmit an issue, which has already been through the CCfA process, the issue should be automatically rejected. It is important to remember that there is no right of appeal. However if the circumstances have now substantially changed you may consider resubmitting the issue. If a previous call-in on a decision has failed the matter cannot be raised as a CCfA, unless the circumstances have now substantially changed.

THE GENUINE CONCERN CHECKLIST

- **Is the focus of concern on a neighbourhood or locality issue?**
  The CCfA focuses on neighbourhood or locality issues, where you as ward councillors can ask for help to resolve issues of concern in the community. CCfA is designed to deal with issues that are genuine concerns of the ward and not individual issues.

RESOLVING THE ISSUE

- **Is an apology, explanation or assurance enough to satisfy a community concern?**
  Research has shown that an apology, explanation or an assurance that a problem will not be repeated can help to address concerns. Is this possible with this issue? If the issue cannot be solved by the council or partner agency issuing an apology, explanation or an assurance, then it will need to be investigated.

- **Resolving an issue**
  You will have a variety of different ways in which you might seek to resolve issues raised by the community including:
  - discussing the issues with officers from relevant council service or agency
  - facilitating an informal discussion at an appropriate local forum e.g. Residents Association, Area Forums
  - formally raising the issue with partnerships or partner agencies
REFERRING TO SCRUTINY CHECKLIST

- Is the issue persistent and unresolved by ward councillor(s)?

When you feel that you have done everything within your power to solve the issue, all avenues have been exhausted and you have been unsuccessful in finding an adequate solution then you have the option of referring the issue to scrutiny.

However, the aim is to solve the issues at the closest possible level to the community, so referring the issue to scrutiny must always be a last resort.

Before referring to scrutiny the following should be considered:

- Have I made reasonable attempts to resolve the matter?
- Are there any other projects, reviews, audits or inspections already underway that are considering the concern?
- In the case of a crime and disorder issue, the case has been referred to the Safer & Stronger Communities Board (SSCB)
- Have any local forum structures been exhausted?
- Relevant council service areas, partners or local service providers have been informed, but you have not received a response that either resolves or moves forward the issue

CONCEPT OF RESOLUTION

Clarity is needed on the definitive resolution being sought by the Councillor. This is the action you are looking for as a result of the Councillor Call for Action to resolve or move forward the issue being raised.

The Councillor bringing the CCfA should be clear at the outset as to what he or she expects to get out of the process and the scrutiny committee will focus discussion on these expected outcomes.

Further the scrutiny committee is expected to challenge these expected outcomes if they feel that these outcomes are unreasonable.

It is important to recognise that CCfA is not guaranteed to solve a given problem. What a CCfA can provide is:

- Recognition that an issue is significant enough for time, attention and resources to be spent in trying to resolve it
- A public forum for discussion of the issues
- An opportunity to discuss the issues in a neutral environment
- An opportunity to discuss a problem with the explicit and solve aim of solving it
- A high-profile process owned by a ward councillor

To refer the issue to Scrutiny please contact Sue Payne or Mike Ahuja in the Corporate Scrutiny Services Team on 020 8379 6151